

### **Remarks**

Claims 1-8 are pending. By this Amendment, claim 1 is amended.

Reconsideration of the rejections presented in the Office Action based on the following remarks is respectfully requested.

### **II. The Claims Define Patentable Subject Matter**

The Office Action rejects claims 1-4 and 6-8 under 35 U.S.C. 103(a) over U.S. Patent No. 5,423,451 to Snyder in view of U.S. Design Patent No. 277,826 to Brown, Sr. and U.S. Patent No. 6,814,090 to DeBoer et al.; and claims 1, 3 and 5-7 under 35 U.S.C. 103(a) over U.S. Patent No. 4,305,166 to Rose in view of DeBoer. These rejections are respectfully traversed.

Regarding claim 1, none of the applied references teach or even suggest a covered food storage container including, inter alia, a cover configured and dimensioned to close an open top, the cover including a bottom surface that faces downwardly into the food storage container when said cover is disposed to close the open top of the food storage container, and a food cutting board secured to the bottom surface of the cover for movement therewith as a unit, as recited in claim 1. Support for this feature can be found in the specification at least at paragraph [0031].

Instead, Snyder discloses a cutting board 17 placed over the open top of a funnel member 22, which in turn is placed over a serving bowl 11A. See FIG. 8 of Snyder. The cutting board 17 of Snyder is not secured to the bottom surface of the funnel member 22, but is instead placed on top of the funnel member 22. Thus, the cutting board 17

must be removed from the funnel member 22 (acting as a cover to the serving bowl 11A) before food items can be dumped into the serving bowl 11A.

Further, Rose does not disclose a food storage container, but is instead related to a reversible sink cover. In particular, the sink cover 10 of Rose is structured and sized to fit over a sink well, not over the top of an open container, as in the claimed invention. Thus, the sink covers of Rose do not provide the advantages of a cutting board that is moveable as a unit with a storage container.

Regarding claim 8, none of the applied references teach or even suggest a covered food storage container having a food cutting board therein including, inter alia, a cover that defines a spout means extending from adjacent the cutting board to a location remotely spaced therefrom to facilitate manual movement of cut food from the cutting board to a remote location.

The Office Action asserts that portion 25 of the funnel member 22 in Snyder corresponds to the claimed spout means. However, the portion 25 of the funnel member 22 is not disposed adjacent to the cutting board 17, so that the cutting board 17 must be removed from the funnel member 22 before cut food items can be moved from the cutting board to a remote location. In contrast, according to the claimed invention, cut food items can be simply swept from the cutting board to the spout means located adjacent to the cutting board, without requiring removal of the cutting board from the cover.

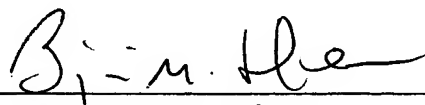
For at least these reasons, it is respectfully submitted that independent claims 1 and 8 are in condition for allowance. The dependent claims are also allowable for the reasons discussed above as well as for the additional features they recite.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

If any further fees are required to preserve the pendency of the subject application, please debit Deposit Account No. 01-1785. Likewise, if there is overpayment, please credit the same account. A copy of this document is enclosed.

Respectfully submitted,  
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Dated: New York, New York  
August 15, 2006

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